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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,247	02/26/2006	Jan Willem Takens	BARSI 1031370	9711
27111	7590	05/22/2008		
GORDON & REES LLP 101 WEST BROADWAY SUITE 1600 SAN DIEGO, CA 92101				
EXAMINER				
JACOBSON, MICHELE LYNN				
ART UNIT		PAPER NUMBER		
1794				
NOTIFICATION DATE		DELIVERY MODE		
05/22/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ipdocket@gordonrees.com  
cworthem@gordonrees.com

### Office Action Summary

**Application No.**

10/519,247

**Applicant(s)**

TAKENS, JAN WILLEM

**Examiner**

MICHELE JACOBSON

**Art Unit**

1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) 6-10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CIS-100)
- Paper No(s)/Mail Date 8/26/05

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date: \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 6-10 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 6-10 have not been further treated on the merits.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

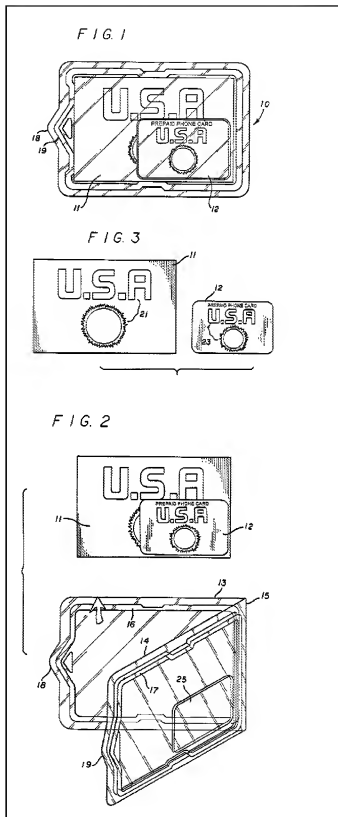
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2 and 5 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Orr et al. U.S. Patent No. 5,984,091 (hereafter referred to as Orr).

4. Orr teaches a package having first and second compartments. A removable picture postcard is disposed within the first compartment, and at least one removable utilitarian item other than a postal card is disposed within the second compartment. The package preferably is of transparent plastic for simultaneous viewing of both the postcard and the utilitarian item. The postcard can be removed and mailed the same as any souvenir card and the utilitarian item can be a prepaid telephone card. (Col. 1, lines

49-63) As seen in FIG. 2, package 10 may be comprised of a pair of panels 13, 14 hinged at integral hinge 15 having inner peripheral ridges 16 on one panel, such as panel 13, and inner peripheral grooves 17 on the other panel, such as panel 14, adapted to mate and interlock to close package 10. The panels 13, 14 can be quickly and easily separated by peeling them apart along edges 18, 19, respectively, (see also FIG. 1) as is well known in the art. Thus, package 10 may be made of a transparent plastic material, preferably heat sealed about the edges for security and easily peeled apart to provide access to postal card 11 and phone card.

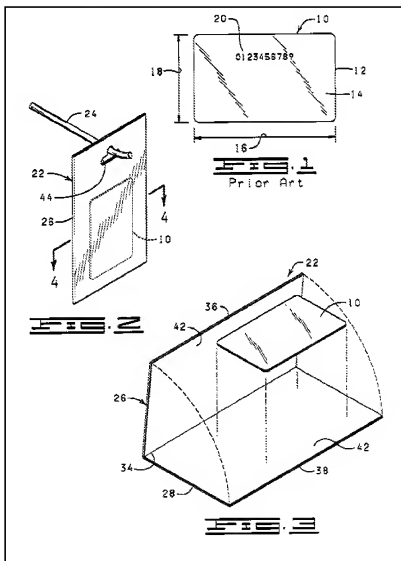
5. Orr clearly anticipates the pre-paid value carrier encased in a folded plastic envelope as claimed in claims 1, 2, and 5.



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6. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Goade U.S. Patent No. 6,109,439 (hereafter referred to as Goade).

7. Goade teaches a data card security package which includes a data card and a paper covering. The paper covering includes a first cover portion and a second cover portion. Each of the first and second cover portions has a first side, a second side, and a layer of polyethylene disposed on one of the first side and the second side. The first cover portion overlaps at least a portion of the second cover portion so as to form a data card receiving envelope with the layer of polyethylene of the first and second cover portions positioned adjacent each other. At least a portion of the data card is positioned between the first cover portion and the second cover portion with the outer surface of the data card engaging the layer of polyethylene of the first



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cover portion and the second cover portion and the coded data positioned against one of the first and second cover portions. The first cover portion is bonded to the second cover portion, and the first and second cover portions are bonded to the outer surface of the data card via the layer of polyethylene of the first and second cover portions whereby the data card is sealed between the first and second cover portions in a non-sliding relationship relative to the first and second cover portions such that unauthorized tampering with the paper covering to gain access to the data card is readily detectable. (Col. 1 line 64-Col. 2, line 19) An example of a data card is a prepaid calling card which provides an individual with a set dollar amount of long distance telephone calls. (Col. 1, lines 25-28)

8. The data card sealed between two layers of polyethylene coated paper anticipates the limitations set forth in claims 1-4. Since the paper layers recited by Goade are coated with polyethylene they meet both the limitations of being made of paper and plastic as recited in claims 2 and 3. Since both of the paper layers recited by Goade are covered on both sides by polyethylene, the invention recited by Goade has 2 or more layers of plastic sealed together around a circumferential edge as recited in claim 4.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHELE JACOBSON whose telephone number is

(571)272-8905. The examiner can normally be reached on Monday-Thursday 8:30 AM-7 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on (571) 272-1284. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michele L. Jacobson  
Examiner /M. J./  
Art Unit 1794

/Carol Chaney/  
Supervisory Patent Examiner, Art Unit 1794